

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

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VALERI V. ARTIOUKHINE,)	
Complainant,)	8 U.S.C. § 1324b Proceeding
)	
v.)	OCAHO Case No. 97B00161
)	
KURANI, INC.,)	Judge Robert L. Barton, Jr.
DBA PIZZA HUT,)	
Respondent.)	
_____)	

**ORDER REQUIRING RESPONDENT TO SUBMIT PAYROLL
RECORDS**

(December 19, 1997)

A telephone prehearing conference with both parties was held on December 2, 1997. During the conference the issue of whether this Court has jurisdiction of Complainant's claim of national origin discrimination was discussed. Respondent's representative stated during the conference that Respondent employed between 400-450 employees in 1996. I explained to the parties that this Court lacks jurisdiction of a complaint based on national origin discrimination if the employer has more than 14 employees on its payroll for each day of the week for twenty or more consecutive weeks during the year in question.

Given Respondent's assertions in its answer to the complaint and during the conference, Respondent was given leave to file, not later than December 17, 1997, a motion to dismiss this case for lack of jurisdiction, along with supporting payroll records and an affidavit. This ruling was confirmed in a written Prehearing Conference Report which was mailed to both parties. Respondent also was informed that "file" means that the motion and documents had to be received by my office not later than December 17.

That date has now passed, and the motion and records have not been filed by Respondent. Moreover, Respondent has neither requested an extension of time nor explained why it has not complied with this Court's order. In short, Respondent has ignored my Order and has failed to contact this Court to explain why it failed to comply. Therefore, Respondent now is **ordered to file, not later than January 15, 1998**, copies of its payroll records for both calendar years 1995 and 1996. The payroll records must

show daily employment, not just monthly or weekly employment.

Respondent must specify, either in the payroll records or a separate document, when its work week begins and ends. Also, the records must be accompanied by an affidavit prepared and signed by a person who is familiar with the payroll records and can swear to their accuracy and authenticity. Respondent must send to the Complainant a copy of any documents filed with the Court.

If Respondent fails to comply with this ORDER, I may conclude that Respondent has abandoned its request for hearing and enter JUDGEMENT for Complainant sua sponte without any further notice to Respondent. 28 C.F.R. § 68.37(b).

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 1997, I have served the foregoing Order Requiring Respondent to Submit Payroll Deductions on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Valeri V. Artioukhine
9811 Chelatna Cr.
Anchorage, AK 99515
(Complainant)

Vincent Voss, Vice President
Kurani, Inc.
d/b/a Pizza Hut
210 Center Court
Anchorage, AK 99518
(Respondent)
(by certified mail and first class mail)

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